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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,688	10/17/2001	Erkki Tanskanen	004770.00566 (NC28056)	6692
22907	7590	09/07/2007	EXAMINER	
BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			BAUTISTA, XIOMARA L	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/981,688	TANSKANEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	X. L. Bautista	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 8/9/07 & 8/14/07.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 14-27,37-40,47 and 48 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 14-27 and 37-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) 47 and 48 are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 14-27 and 37-40, drawn to a system receiving real-time interactive content, the system having a graphical user interface for displaying the interactive content on an interactive services user interface and a response user interface for providing information pertinent to the interactive content; the interactive content and the pertinent information are simultaneously displayed on the graphical user interface, wherein the pertinent information is displayed based on user's preferences and the interactive content is displayed based on the transmission and reception capabilities of the computer device, classified in class 715, subclass 733.
  - II. Claims 47 and 48, drawn to providing a communications interface, retrieving real-time interactive data from multiple sources, checking the data transmission speed for transmitting the data to a first and second client device, and configuring the data according to the transmission speed to ensure adequate display of the transmitted data, classified in class 715, subclass 744.

2. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as checking data transmission speed for transmitting data to a plurality of client devices and configuring the transmitted interactive content according to the transmission speed to ensure adequate display of the content. See MPEP § 806.05(d).

3. The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a).

4. Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

5. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

6. Newly submitted claims 47 and 48 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 47 and 48 are drawn to retrieving data from multiple sources, checking the data transmission speed for transmitting the data to a plurality of client devices, and configuring the data according to the transmission speed to ensure adequate display of the transmitted data.

7. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 45 and 46 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Specification***

8. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Correction of the following is required: Applicant claims a “computer-readable medium” in claims 19-23 and 37-40, which is not defined in the specification.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 14-27 and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Odom et al* (US 6,058,379) and *Kikinis* (US 2002/0049833).**

**Claims 14 and 19:**

Odom discloses a real-time interactive system and method for electronic exchange of goods and services via an electronic network. Odom teaches a bidding mechanism that may be used for sellers and buyers to raise or lower bids and offers (abstract; col. 1, lines 7-10). Odom shows (fig. 1) client server architecture. Odom illustrates (fig. 1) client connected to receive an interactive provider server and respond to signals based on real-time interactive content over a communications

channel received from the interactive provider server (col. 3, lines 1-161; col. 4, lines 15-24). Odom teaches an interface page (web page; col. 3, lines 24-34; col. 5, lines 46-57; col. 9, lines 18-29) for providing information pertinent to the real-time interactive content to the client; the page configured to provide an adequate window to display information according to predetermined criteria (filter, predefined parameters; col. 2, lines 43-46; col. 3, lines 34-39; col. 4, lines 50-52, 66-67; col. 6, lines 32-40; col. 8, lines 66-67; col. 9, lines 1-8, 39-48; col. 10, lines 37-59; col. 12, lines 54-67; col. 13, lines 1-7).

Odom does not teach that the interactive content is configured according to the transmission and reception capabilities of the client. However, Kikinis discloses a system and methods for providing data from data sources over the Internet to end users, with the data tailored to the needs of the end users (abstract; p. 1, par. 0002). Kikinis teaches a web browsing system that configures data to be transmitted to a client device from a web server. Kikinis explains that a list is created, which has parameters derived from the characteristics of the client, the characteristics of the web page and user's preferences; the parameters (including the user's preferences) are stored as a template at the web server; and that the web data is translated according to the template and transmitted to the client device (p. 2, par. 0013-0015; p. 5, par. 0060-0062). Kikinis teaches that the translation of the web page and its transmission is in accordance to the capabilities of the client device (p. 14, par.

0179-0180, 0183; p. 15, par. 0184-0187). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include Kikinis' teaching of tailoring content according to transmission and reception capabilities in Odom's system for network exchange because as Kikinis says, as development of the Internet and other wide area network solutions continues, more and more devices are being provided for specific uses, incorporating computer elements and an ability to communicate with remote data sources; these different types of client devices being newly adapted to operate as computer peripherals, need new abilities for rapid transfer of applications and data, and a higher bandwidth for receiving/sending data from/to remote sources.

Odom/Kikinis teaches retrieving real-time interactive data from multiple sources and transmitting (configuring, formatting) the data according to the transmission and reception capabilities of the plurality of receiving client devices, and receiving the configured data so that it is displayed in an adequate window to respond to the real-time interactive content, and transferring the real-time interactive content and other pertinent data to the plurality of client devices.

Claims 15 and 20:

Odom teaches that users are provided with current information (interactive content is retrieved and updated automatically), which is updated automatically (col. 3, lines 37-46; col. 5, lines 51-57; col. 6, lines 28-58).

Claims 16, 17, 21 and 22:

Odom teaches database 130 (fig. 1; col. 3, lines 5-12; col. 4, lines 37-44).

Odom teaches that bid information processing may include a first level of filtering to determine if the bid meets predefined criteria or rates (col. 3, lines 32-36).

Claims 18 and 23:

See claim 16. Odom teaches interactive information that can be organized and shared among a plurality of users (abstract; col. 1, lines 67; col. 2, lines 1-26) and individual user information (profile) that is generated for respective users (see claim 14, user predefined criteria, preferences).

Claims 24, 26, 27, 37, 39 and 40:

See claim 14. Odom teaches that the interactive provider server is a betting service, that the client responses comprise bets or betting information, and pertinent information relating to teams upon which the client has made bets (col. 10, lines 36-59; col. 11, lines 10-18; col. 12, lines 4-14, 54-67; col. 13, lines 1-15).

Claims 25 and 38:

See claim 24. Odom teaches information comprising current information regarding prospective wagers (col. 13, lines 15-42).

*Response to Arguments*

11. Applicant's arguments filed August 8, 2007 have been fully considered but

they are not persuasive.

Applicant argues, “Odom discloses a real-time network exchange method that fails to disclose any teachings pertaining to configuring real-time interactive content according to the transmission and reception capabilities of devices with a server to ensure the devices each have an adequate window to respond to the real-time interactive content. Neither Kikinis, Walker, nor Gerszberg overcome this deficiency of Odom...” (page 8, lines 7-11).

In response, Odom is not relied upon for formatting transmission and reception of a client, rather it is used for its teaching of providing information pertinent to the real-time interactive content to a plurality of client devices. Moreover, Kikinis teaches a method and system for enhancing access and transmission of data from remote sources and providing data to client devices by formatting and tailoring the transmitted content and maximizing data transfer efficiency. Kikinis explains that content can be reduced before transmission to the device by consulting parameters based on characteristics of the client device (p. 2, par. 0018-0020).

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X. L. Bautista whose telephone number is (571)

272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



X. L. BAUTISTA  
PRIMARY EXAMINER

xlb  
August 29, 2007